

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

PROVPORT, INC. :
: :
v. : C.A. No. 04-329L
: :
METALS RECYCLING, LLC :
:

MEMORANDUM AND ORDER

Before the Court is Defendant's Motion to Compel Production of Documents (Document No. 26) which has been referred for determination. 28 U.S.C. § 636(b)(1)(A); Local R. 32(b). A hearing was held on September 26, 2005. The dispute relates to Plaintiff's objections dated August 5, 2005 served in response to Defendant's Second Set of Document Requests. After reviewing the Memoranda filed by the parties, listening to the arguments of counsel and performing independent legal research, Defendant's Motion is GRANTED in part and DENIED in part as set forth below.

- A. Request No. 1. Plaintiff's objections to this request are sustained, and Defendant's Motion to Compel is DENIED.
- B. Request Nos. 2 and 5. Plaintiff's general objections to these requests are sustained except as they relate to communications about Defendant's lease sought under Request No. 2. Thus, Defendant's Motion to Compel is DENIED except it is GRANTED solely as to communications making reference to the lease arrangement between the parties sought under Request No. 2.
- C. Request Nos. 3 and 4. Plaintiff's objections are sustained as to the issue of rent and sustained, in part, as to scope, as described below. Defendant's Motion as to Request No. 3 is GRANTED except as to the issue of rental charges. Defendant's Motion as to Request No. 4 is DENIED as to the issue of rent invoices and otherwise DENIED WITHOUT PREJUDICE based on this Court's initial conclusion that any documents

responsive to Request No. 3 should be sufficient and production of "all invoices to all persons or entities" for the last ten years may be duplicative and unduly burdensome on Plaintiff.

SO ORDERED.



LINCOLN D. ALMOND
United States Magistrate Judge
September 27, 2005